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Attorney for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

2:04-CV-1867 WBS/JFM

**STIPULATION FOR PROTECTIVE
ORDER AND ORDER**

REAL PROPERTY LOCATED AT 2363
FAIRVIEW LANE, PLACER COUNTY,
NEWCASTLE, CALIFORNIA, BEARING
APN: 032-253-036, INCLUDING ALL
APPURTENANCES AND IMPROVEMENTS
THERE TO,

REAL PROPERTY LOCATED ON LINCOLN
STREET, PLACER COUNTY,
ROSEVILLE, CALIFORNIA, BEARING
APN: 012-200-010, INCLUDING ALL
APPURTENANCES AND IMPROVEMENTS
THERE TO,

Defendants.

Plaintiff United States of America, claimants Richard Ryan
and Barbara Ryan, claimant American River Bank ("ARB"), and
claimant City of Roseville Redevelopment Agency ("Roseville")
hereby stipulate to the following protective order:

1. Claimant Richard Ryan ("Ryan") is the owner of the
defendant real property described above as "Real Property Located
On Lincoln Street, Placer County, Roseville, California, bearing

1 APN: 012-200-010, Including All Appurtenances and Improvements
2 Thereto (hereafter "defendant property").

3 2. Claimants ARB and Roseville are beneficiaries under
4 separate deeds of trust encumbering the defendant real property.

5 3. Claimant Barbara Ryan also claims to be the beneficiary
6 of a deed of trust encumbering the defendant real property.

7 Plaintiff United States disputes the validity of the underlying
8 promissory note and the deed of trust recorded against the
9 defendant property after this civil forfeiture action was
10 commenced.

11 4. Plaintiff United States of America noticed Ryan's
12 deposition for May 1, 2009. Plaintiff has been advised that Ryan
13 may decline to answer many questions about this civil forfeiture
14 action citing his Fifth Amendment right against self-
15 incrimination.

16 5. Ryan's assertion of his Fifth Amendment right against
17 self-incrimination substantially interferes with his ability to
18 contest this forfeiture action and with plaintiff's ability to
19 question Ryan about the Claim he filed in this action; the claim
20 his mother, Barbara Ryan filed;¹ the Answer he filed to the
21 forfeiture complaint; and the activities at the defendant
22 property that are the basis for the forfeiture.

23 6. Plaintiff must complete Ryan's deposition in order to
24 complete discovery. Accordingly, the parties now seek this
25

26 ¹ Barbara Ryan testified in her deposition that she
27 loaned significant sums to her son, claimant Richard Ryan, over a
28 period of time and that the deed of trust was recorded against
the defendant real property to secure repayment of those debts.

1 protective order so that discovery can be conducted in this
2 action.

3 7. Plaintiff agrees that no testimony or documents Ryan
4 produces in this civil forfeiture action, whether by way of
5 discovery responses, deposition testimony, or trial testimony,
6 shall be used by federal, state, or local authorities in
7 connection with any criminal prosecution other than as set forth
8 in paragraph 12 below.

9 8. Except as provided in Paragraph 12, Plaintiff agrees
10 not to provide discovery documents, discovery responses, or
11 deposition or trial testimony to any federal, state, or local
12 prosecutor for use in a criminal prosecution, and agrees that
13 this material shall be used only for the purposes of the
14 prosecution, defense, or settlement of this civil forfeiture
15 action, and for no other purpose.

16 9. Claimant Ryan understands that the material produced in
17 discovery may be reviewed by paralegal or secretarial staff in
18 the U.S. Attorney's Office or by law enforcement agents (federal,
19 state, or local) solely for purposes of the prosecution, defense,
20 or settlement of this civil forfeiture action, and for no other
21 purpose.

22 10. Nothing in this stipulation is intended to prevent a
23 federal, state, or local law enforcement officer from attending
24 claimant's deposition or the deposition of any witness.

25 11. Nothing in this stipulation is intended to prevent the
26 plaintiff from filing claimant's discovery responses or
27 deposition testimony in court as exhibits to a motion such as a
28 motion for summary judgment or motion to compel discovery,

1 provided however that plaintiff will request said filings to be
2 sealed.

3 12. Nothing in this stipulation is intended to prevent the
4 plaintiff from using any testimony or documents Ryan produces in
5 this civil forfeiture action in any subsequent prosecution for
6 perjury or false statement.

7 13. This order shall survive the final disposition of this
8 case, and the Court shall retain jurisdiction to resolve any
9 dispute concerning the use of information produced hereunder.

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11 Dated: April 27, 2009

LAWRENCE G. BROWN
Acting United States Attorney

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14 By: /s/ Kristin S. Door
KRISTIN S. DOOR
15 Assistant U.S. Attorney

16
17 Dated: April 27, 2009

/s/ Victor S. Haltom
VICTOR S. HALTOM
Attorney for Claimants
18 Richard Ryan and Barbara Ryan
19

20
21 Dated: April 28, 2009

DUTRA & OATES

22
23 By: /s/ Paul J. Dutra
PAUL J. DUTRA
24 Attorneys for claimant
25 American River Bank
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1 Dated: April 28, 2009

MARK J. DOANE
City Attorney

3 By /s/ Michelle Sheidenberger
4 MICHELLE SHEIDENBERGER
5 Associate City Attorney
6 Attorneys for the City of Roseville
7 Redevelopment Agency

(Original signatures retained
by plaintiff's attorney)

9 IT IS SO ORDERED.

11 Dated: April 30, 2009.

13 
14 UNITED STATES MAGISTRATE JUDGE

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